

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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FILE COPY

STATE OF WISCONSIN  
BEFORE THE CHIROPRACTIC EXAMINING BOARD

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IN THE MATTER OF DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	FINAL DECISION
	:	AND ORDER
WILLIAM E. ATKINSON, D.C.,	:	(87 CHI 29, 88 CHI 11 & 88 CHI 17)
RESPONDENT.	:	

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The parties to this action for the purposes of Wis. Stats. sec. 227.53 are:

William E. Atkinson, D.C.  
1344 Creston Park Drive  
Janesville, WI 53545

Chiropractic Examining Board  
P.O. Box 8935  
Madison, WI 53708-8935

Department of Regulation & Licensing  
Division of Enforcement  
P.O. Box 8935  
Madison, WI 53708-8935

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final disposition of this matter, subject to the approval of the Board. The Board has reviewed this Stipulation and considers it acceptable.

Accordingly, the Board in this matter adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. That William E. Atkinson, herein after the Respondent, was at all times relevant to this complaint duly licensed as a chiropractor in the State of Wisconsin.
2. That the Respondent's license is #1465, <sup>1354</sup> granted July 27, 1976.
3. That the Respondent's current address is 1344 Creston Park Drive, Janesville, WI, 53545.
4. That on an unknown number of occasions during 1985 and 1986, the Respondent performed therapeutic ultrasound on patients in his chiropractic office.
5. That on an unknown number of occasions in 1986, the Respondent failed to properly inform two patients of the nature and purpose of chiropractic adjustments.

CONCLUSIONS OF LAW

1. That by engaging in the conduct set forth in Finding of Fact 4, the Respondent practiced beyond the scope of the license issued by the Board, contrary to section Chir. 6.02(4), Wisconsin Administrative Code.

2. That by engaging in the conduct set forth in Finding of Fact 5, the Respondent has practiced in a manner which substantially departs from the standard of care ordinarily exercised by a chiropractor, contrary to section Chir. 6.02(3), Wisconsin Administrative Code.

3. That the Board has jurisdiction to take disciplinary action against the Respondent pursuant to section 446.03, Stats.

Therefore, it is hereby ORDERED:

1. That the license of the Respondent shall be limited for an indefinite period of time under the following terms and conditions:

a. A female assistant must be present when any type of examination or procedure is performed by the Respondent on a female patient which requires the exposure of, or contact with, the intimate parts of the patient, which shall be defined as the breasts, buttocks, anus, groin, vagina or pubic mound.

b. The Respondent must pass a course of instruction in therapeutic ultrasound and galvanic therapy approved by the Board, submit proof of completion to the Board and receive acknowledgment of submittal as specified in section Chir. 4.05(2)(d)2., Wisconsin Administrative Code, within six months of the date of this order.

c. If the Respondent does not comply with the terms of paragraph b, then the Respondent may not practice for a period of 60 days or until compliance with paragraph b, whichever is longer. The period without practice becomes effective six months from the day of this order if the Respondent fails to comply with the provisions of paragraph b.

2. That costs of the action are assessed against the Respondent and payable to the Department of Regulation and Licensing in the sum of \$1,800.00. The costs must be paid within 30 days of the date of this order.

The rights of a party aggrieved by this Decision to petition the Board for rehearing and to petition for judicial review are set forth on the attached "Notice of Appeal information."

Chiropractic Examining Board

By: Mercedes Hughes Lake, D.C.

A Member of the Board

Date

7-11-91

MJB:eaj  
ATY-1379

STATE OF WISCONSIN  
BEFORE THE CHIROPRACTIC EXAMINING BOARD

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IN THE MATTER OF DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	STIPULATION
	:	(87 CHI 29, 88 CHI 11 & 88 CHI 17)
WILLIAM E. ATKINSON, D.C.,	:	
RESPONDENT.	:	

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It is hereby stipulated between William E. Atkinson, personally on his own behalf and Michael J. Berndt, Attorney for the Department of Regulation and Licensing, Division of Enforcement, as follows that:

1. This Stipulation is entered into as a result of a pending investigation of Atkinson's licensure by the Division of Enforcement (87 CHI 29, 88 CHI 11 and 88 CHI 17). Atkinson consents to the resolution of this investigation by stipulation and without the issuance of a formal complaint.

2. Atkinson understands that by the signing of this Stipulation he voluntarily and knowingly waives his rights, including: the right to a hearing on the allegations against him, at which time the state has the burden of proving those allegations by clear, satisfactory and convincing evidence; the right to confront and cross-examine the witnesses against him; the right to call witnesses on his behalf and to compel their attendance by subpoena; the right to testify himself; the right to file objections to any proposed decision and to present briefs or oral arguments to the officials who are to render the final decision; the right to petition for rehearing; and all other applicable rights afforded to him under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, and the Wisconsin Administrative Code.

3. Atkinson agrees to the adoption of the attached Final Decision and Order by the Chiropractic Examining Board.

4. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall be returned to the Division of Enforcement for further proceedings.

5. If the Board accepts the terms of this Stipulation, the parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties.

6. That the attorney for the Complainant and the Board Advisor may address the Board in either open or closed session, without the presence of the Respondent or his attorney, if any, for purposes of speaking in favor of this agreement or answering any questions the Board may have.

7. The Division of Enforcement joins Atkinson in recommending the chiropractic Examining Board adopt this Stipulation and issue the attached Final Decision and Order.

William E. Atkinson, D.C.      7-9-91  
William E. Atkinson, D.C.      Date

Michael J. Berndt      3/13/91  
Michael J. Berndt, Attorney      Date  
Division of Enforcement

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ATY-1378

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## **NOTICE OF APPEAL INFORMATION**

**(Notice of Rights for Rehearing or Judicial Review,  
the times allowed for each, and the identification  
of the party to be named as respondent)**

**The following notice is served on you as part of the final decision:**

### **1. Rehearing.**

**Any person aggrieved by this order may petition for a rehearing within 20 days of the service of this decision, as provided in section 227.49 of the Wisconsin Statutes, a copy of which is attached. The 20 day period commences the day after personal service or mailing of this decision. (The date of mailing of this decision is shown below.) The petition for rehearing should be filed with the State of Wisconsin Chiropractic Examining Board.**

**A petition for rehearing is not a prerequisite for appeal directly to circuit court through a petition for judicial review.**

### **2. Judicial Review.**

**Any person aggrieved by this decision has a right to petition for judicial review of this decision as provided in section 227.53 of the Wisconsin Statutes, a copy of which is attached. The petition should be filed in circuit court and served upon the State of Wisconsin Chiropractic Examining Board**

**within 30 days of service of this decision if there has been no petition for rehearing, or within 30 days of service of the order finally disposing of the petition for rehearing, or within 30 days after the final disposition by operation of law of any petition for rehearing.**

**The 30 day period commences the day after personal service or mailing of the decision or order, or the day after the final disposition by operation of the law of any petition for rehearing. (The date of mailing of this decision is shown below.) A petition for judicial review should be served upon, and name as the respondent, the following: the State of Wisconsin Chiropractic Examining Board.**

**The date of mailing of this decision is July 15, 1991.**